

REMARKS

Status of the Claims

Claims 1-20 are pending, with claims 1 and 18 being independent. Initially, Applicants would like to thank Examiner Goodrow for indicating that claims 6-8 would be allowable if rewritten independent form including all the limitations of the base claim and any intervening claims.

Claim Rejection Under 35 U.S.C. § 103

Claims 1-5 and 9-20 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,790,577 ("Nakamura") in view of U.S. Patent No. 3,893,932 ("Azar"). Applicants respectfully disagree with the rejection; therefore, this rejection is respectfully traversed.

It is described at column 12, lines 7-16, of Nakamura that an olefin having a cyclic structure is incorporated in at least either of the shell or the core material in combination with the various crystalline and non-crystalline resins given as examples of the fixing resins [A](1) and [B](1), and that thereby, effects such as transparency are exhibited.

However, Nakamura does not suggest selecting crystalline polyester as a shell material. That is, there is a plurality of selectivity based on the description of Nakamura, as follows:

- 1) Shell or core as a material applied to;
- 2) crystalline or non-crystalline as a material;
- 3) A1 or B1 as a material;
- 4) further selection of polyester among B1.

Further, there is description with respect to resin at column 9, line 64 – column 10, line 37. It is described that unmodified olefin having a cyclic structure is preferable as a shell resin. It is described at column 2, lines 58-65, that the problems can be solved by using two types of olefin copolymers, each having a cyclic structure, for the core and the shell.

As above mentioned, not only are there many choices to come to select crystalline polyester, but the selection of polyester cannot be done positively.

Indeed, no Example of Nakamura uses polyester.

Azar discloses at column 8, lines 8-16, that suitable polymeric shell materials generally have a viscosity higher than the polymeric core materials and that amorphous shell materials have a glass transition temperature above about 45°C and crystalline shell materials have a melting point above about 45°C. However, Azar nowhere suggests which is good, crystalline or non-crystalline.

Polyesters are exemplified at column 10, lines 44-50. However, at column 11, lines 11-15, it is described that polystyrene is preferable. That is, there is no suggestion in Azar to select crystalline polyester as a material of shell layer. In addition, there is no description about how much crystalline polyester is used in the shell layer.

As above mentioned, neither Nakamura nor Azar suggests that polyester is selected and incorporated in a shell layer and that crystalline polyester having a specific softening point is selected and incorporated at a specific amount. Such effect as crystalline polyester having a specific softening point incorporated at a specific amount is shown in the Examples of the present specification (see, for example, Tables 1-1 and 1-2 of the present specification), and is neither described nor suggested by Nakamura or Azar.

As described at paragraph [0006] on page 4 of the present specification, in the case where a component other than crystalline polyester constitutes a shell layer as a main component, as in JPA2002-341586, heat-resistant storing property is poor. Accordingly, a specific polyester as specified in the present invention is significant.

The present invention is not obvious from Nakamura and Azar.


Conclusion

For the reasons noted above, the art of record does not disclose or suggest the inventive concept of the present invention as defined by the claims. In view of the foregoing remarks, reconsideration of the claims and allowance of the subject application is earnestly solicited. In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,
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